

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.1310 OF 2015**  
**IN**  
**CRIMINAL APPEAL NO.906 OF 2015**

|                                        |      |            |
|----------------------------------------|------|------------|
| Parvez Akhtar Tajamul Hussain Siddique | .... | Applicant  |
| <b><i>Versus</i></b>                   |      |            |
| State of Maharashtra                   | .... | Respondent |

Mr. Anil G. Lalla a/w. Ms. Beerta H. Bajwa, for  
the Applicant.

Mrs. A.S. Pai, A.P.P., for the Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, ACTING C.J. &**  
**DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 21<sup>ST</sup> DECEMBER 2015.**

**P.C. :**

1. This application is preferred by the Original Accused No.2 seeking suspension of substantive sentence of imprisonment and his enlargement on bail during pendency of this Appeal.

2. The application is filed mainly on the ground of parity by submitting that the two other co-accused, namely, Accused No.1 Kamar Rashid and Accused No.3 Anees Anwar are already released by this Court on bail

vide its order dated 17<sup>th</sup> October 2013 in Criminal Application No.1424 of 2013 and by order dated 29<sup>th</sup> October 2013 in Criminal Application No.1214 of 2011, respectively. It is submitted that the role of the Applicant cannot be distinguished from the role of the co-accused, who are already released on bail.

3. We also noticed that the Applicant has been convicted for the offence under Section 307 r/w. 34 of IPC and Section 3(1)(ii) of Maharashtra Control of Organized Crime Act, 1999. The maximum punishment imposed on him by the Trial Court is of ten years. As regards offence punishable under MCOC Act, in the earlier two orders, this Court has held that there is no finding in the Judgment of the Trial Court as to whether the Applicant was member of organized crime syndicate or he was working on behalf of the organized crime syndicate. In view of this, it appears to be questionable whether the Applicant could have been convicted for the offence under MCOC Act.

4. Moreover, the Applicant is in Jail for a period of more than seven years, including the remission. There is no likelihood of the Appeal being heard in the near future. In view thereof, we are inclined to allow this application. Hence, the order.

5. The Applicant be released on bail in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount or two sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each. Learned counsel Mr. Lalla submits that Applicant will furnish sureties either from Greater Mumbai or from Thane District.

6. Applicant shall attend Alapur Police Station in Ambedkar Nagar, District of Uttar Pradesh on the first day of every month, in between 10:00 am to 11:00 am, during the pendency of the Appeal.

7. Criminal Bail Application stands disposed of accordingly.

**[DR. SHALINI PHANSALKAR-JOSHI, J.] [ACTING CHIEF JUSTICE]**